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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,259	10/12/2001	Tsutomu Kurokawa	M1953-41	9702

7278 7590 10/27/2005

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EXAMINER	
BORISSOV, IGOR N	
ART UNIT	**PAPER NUMBER**
3639	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,259	KUROKAWA ET AL.	
	Examiner	Art Unit	
	Igor Borissov	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Amendment received on 8/09/2005 is acknowledged and entered. Claims 1, 12 and 14 have been amended. Claims 1-19 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-11, 14-16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 5,973,481) in view of Budike, Jr. (US 6,311,105) and further in view of Sharma (US 2004/0167853).

Thompson et al. (Thompson) teaches a system for distributed electrical power generating stations, comprising:

As per claims 1 and 14,

at least one generator unit, operated by an electricity provider, supplying electricity to at least one specific electricity consumer in a remote area (column 2, lines 28-33);

a management center (monitoring means) for monitoring information related to generation of energy, said information including an operation status of said at least one generator unit and monitoring an amount of electricity supplied to said at least one specific electricity consumer by said at least one generator unit (column 2, lines 28-42);

a system for communicating information between said management center and said electricity provider (column 2, lines 29-60);

said management center uses wireless communication means to collect information from said at least one generator unit regarding operation status of said at least one generator unit and operating parameters (column 2, lines 29-60);

Thompson does not specifically teach that said wireless communication means includes the Internet; and that said generation of energy related information includes billing and payment data for electricity supplied to said at least one specific electricity consumer. Also, Thompson does not specifically teach an Internet virtual financial institution that supports utility bills transactions.

Budike et al. (Budike) teaches a multi-utility energy control system, including back-up generators, wherein a controlled wireless network is provided, said controlled wireless network including the Internet, said Internet wireless communication means is utilized for transmitting billing and payment data for electricity supplied (purchasing electricity in a real time environment) (column 7, lines 53-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson to include that said wireless communication means includes the Internet, as disclosed in Budike, because use of the larges existing network structure would advantageously allow to conduct said monitoring from any remote geographic location which has an access to the Internet without incurring expenses for building a dedicated network.

And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson to include that said information is communicated over said wireless communication means and relates to generation of energy, includes billing and payment data for electricity supplied, as disclosed in Budike, because it would advantageously allow to collect funds for business funds to operate.

Sharma teaches an integrated system for electronic utility bill presentment and payment over the Internet, said system supports financial transactions between service providers, consumers, banks, other financial institutions, through a web portal, web site or other interface or virtual space, and supports such activities at multiple portals, so

that consumers have the choice of paying bills in virtual space or at whatever site they desire [0012]; [0061].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson and Budike to include an Internet virtual financial institution that supports utility bills transactions, as disclosed in Sharma, because it would advantageously provide individual consumers with a secure personalized electronic bill portfolio where they can schedule, view, and pay their electronic bills as well as enable billers to create consumer accounts and electronically publish their bills on a personalized electronic bill portfolio for viewing and payment (Sharma, [0013]).

As per claim 2, Thompson teaches at least one local generator unit, operated by an electricity provider, supplying electricity to at least one specific electricity consumer in a remote area (column 2, lines 28-60).

As per claim 3, Thompson teaches said system, wherein there is provided one of said at least one generator unit for each one of said at least one specific electricity consumer (column 2, lines 28-60).

As per claim 4, Thompson teaches a service company (maintenance personnel) maintaining and managing operation of said at least one generator unit, wherein said service company (maintenance personnel) receives instructions from said management center (column 3, lines 21-25).

As per claim 6, Thompson teaches said system wherein said at least one generator unit is used locally by said at least one specific electricity consumer as a home generator system (column 2, lines 28-60).

As per claim 7, Thompson teaches said system wherein said at least one generator unit is used locally by said at least one specific electricity consumer as a home generator system (column 2, lines 28-60).

As per claims 8 and 10, Thompson teaches said system including said generator installed in the remote rural area, such as Alaska (column 1, lines 28-30; column 6, lines 58-60), and wherein said management center uses wireless

communication equipment to collect data regarding operational status of said generator (column 7, lines 4-7; column 2, lines 28-42).

Budike teaches said system, including back-up generators, wherein a controlled wireless network, including the Internet, is utilized for exchange information in a real time environment regarding electricity supplied (purchasing electricity in a real time environment) (column 7, lines 24-37).

The motivation to combine Thompson and Budike to include collecting information regarding electricity supplied would be to collect funds for the business to operate.

As per claim 9, Budike teaches said system wherein said electricity provider uses the Internet for billing and payment of said electricity supply service fee for said at least one specific electricity consumer (column 7, lines 53-58).

As per Claim 11, Budike teaches said multi-utility energy control system, wherein the Internet is utilized for transmitting billing and payment data for electricity supplied (purchasing electricity in a real time environment) (column 7, lines 24-59). The motivation to combine Thompson and Budike to include the Internet would be to provide communication over the existed largest network without incurring expenses for building a dedicated network.

As per claim 15, Thompson teaches said system comprising a management center for receiving data from said monitoring means (column 2, lines 28-42).

As per claim 16, Thompson teaches a service company (maintenance personnel) maintaining and managing operation of said at least one generator unit, wherein said service company (maintenance personnel) receives instructions from said management center (column 3, lines 21-25).

As per claim 18, Thompson teaches said system including said generator installed in the remote rural area, such as Alaska (column 1, lines 28-30; column 6, lines 58-60), and wherein said management center uses wireless communication equipment to collect data regarding operational status of said generator (column 7, lines 4-7; column 2, lines 28-42).

Budike teaches said system, including back-up generators, wherein a controlled wireless network including the Internet is utilized for exchange information in a real time environment regarding electricity supplied (purchasing electricity in a real time environment) (column 7, lines 24-37).

The motivation to combine Thompson and Budike to include collecting information regarding electricity supplied would be to collect funds for the business to operate.

As per claim 19, Budike teaches said system, wherein the Internet is utilized for billing and payment for electricity supplied (purchasing electricity in a real time environment) (column 7, lines 24-37). The motivation to combine Thompson and Budike to include collecting information regarding electricity supplied would be to collect funds for the business to operate.

Claims 5, 12-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. in view of Budike et al. further in view of Sharma and further in view of Fleckner et al. (US 6,589,682)

As per claim 12, Thompson teaches said system for distributed electrical power generating stations, comprising:

at least one locally installed electricity generating unit, operated by an electricity provider, supplying electricity to at least one specific electricity consumer in a remote area (column 2, lines 28-33);

a management center for monitoring operational status of said electricity generating unit visa a network, (column 2, lines 28-42);

a service company (maintenance personnel) maintaining and managing operation of said at least one generator unit, wherein said service company (maintenance personnel) receives instructions from said management center (column 3, lines 21-25);

a database for collecting information regarding operation status of said electricity generating unit (receiving said data at a central computer indicates the database for storing said data) (column 2, lines 33-39);

means for notifying said service company (maintenance personnel) regarding said operational status of said electricity generating unit (receives instructions from said management center by maintenance personnel) (column 3, lines 21-25).

Thompson does not specifically teach that said wireless communication means includes the Internet; and that said generation of energy related information includes billing and payment data for electricity supplied to said at least one specific electricity consumer. Also, Thompson does not specifically teach an Internet virtual financial institution that supports utility bills transactions.

Budike teaches a multi-utility energy control system, including back-up generators, wherein a controlled wireless network is provided, said controlled wireless network including the Internet, said Internet wireless communication means is utilized for transmitting billing and payment data for electricity supplied (purchasing electricity in a real time environment) (column 7, lines 53-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson to include that said wireless communication means includes the Internet, as disclosed in Budike, because use of the larges existing network structure would advantageously allow to conduct said monitoring from any remote geographic location (having an access to the Internet) without incurring expenses for building a dedicated network.

And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson to include that said information communicated over said wireless communication means and related to generation of energy, includes billing and payment data for electricity supplied, as disclosed in Budike, because a business needs funds to operate.

Sharma teaches integrated system for electronic utility bill presentment and payment over the Internet, said system supports financial transactions between service providers, consumers, banks, other financial institutions, through a web portal, web site

or other interface or virtual space, and supports such activities at multiple portals, so that consumers have the choice of paying bills in virtual space or at whatever site they desire [0012]; [0061].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson and Budike to include an Internet virtual financial institution that supports utility bills transactions, as disclosed in Sharma, because it would advantageously provide individual consumers with a secure personalized electronic bill portfolio where they can schedule, view, and pay their electronic bills as well as enable billers to create consumer accounts and electronically publish their bills on a personalized electronic bill portfolio for viewing and payment (Sharma, [0013]).

Also, Thompson in view of Budike and further in view of Sharma do not specifically teach that said at least one generator unit is fuel cell generator; said service company includes a fuel supply company; and said maintenance/management company performing maintenance on said fuel cell generator and responding to irregularities in said fuel cell generator.

Fleckner teaches a system for fuel cells arrangement, including a monitoring instrumentation 22 (Fig. 1) mounted adjacent to fuel cells for providing information to monitoring system 24 which conveys the data related to the functional status of the fuel cells, fuel level, etc., over a wireless communication network, including the Internet, to the interested party (column 5, lines 10-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson in view of Budike and further in view of Sharma to include that said at least one generator unit is fuel cell generator; said service company includes a fuel supply company; and said maintenance/management company performing maintenance on said fuel cell generator and responding to irregularities in said fuel cell generator, as disclosed in Fleckner, because it would advantageously allow to enhance the reliability of the power system by providing an electricity generating units with the alternative fuel source in case the main fuel such as diesel would not be available.

Also, while Budike teaches charging fee for services rendered (electricity supplied), Thompson, Budike, Sharma and Fleckner do not specifically teach billing a consumer maintenance and operating service fee.

However, Thomson teaches that maintenance has to be performed on said generator (column 1, lines 47).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson, Budike, Sharma and Fleckner to include billing a consumer maintenance and operating service fee, because it would advantageously provide the business with funds to maintain said generators in proper operating condition.

As per claims 5 and 17, Thompson, Budike and Sharma teach all the motivation of claims 5 and 17, except that said at least one generator unit is fuel cell generator; said service company includes a fuel supply company; and said maintenance/management company performing maintenance on said fuel cell generator and responding to irregularities in said fuel cell generator.

Fleckner teaches said system for fuel cells arrangement, including a monitoring instrumentation 22 (Fig. 1) mounted adjacent to fuel cells for providing information to monitoring system 24 which conveys the data related to the functional status of the fuel cells, fuel level, etc., over a wireless communication network, including the Internet, to the interested party (column 5, lines 10-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Thompson in view of Budike and further in view of Sharma to include that said at least one generator unit is fuel cell generator; said service company includes a fuel supply company; and said maintenance/management company performing maintenance on said fuel cell generator and responding to irregularities in said fuel cell generator, as disclosed in Fleckner, because it would advantageously allow to enhance the reliability of the power system by providing an electricity generating units with the alternative fuel source in case the main fuel such as diesel would not be available.

As per claim 13, Fleckner teaches said system wherein said generator is fuel cells arrangement (column 5, lines 10-24). The motivation to combine Thompson in view of Budike and further in view of Sharma to include that said at least one generator unit is fuel cell generator, because it would advantageously allow to enhance the reliability of the power system by providing an electricity generating units with the alternative fuel source in case the main fuel such as diesel would not be available.

Response to Arguments

Applicant's arguments filed on 8/09/2005 have been fully considered but they are not persuasive.

In response to the applicant's argument that there is no suggestion to combine Thompson and Budike, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, both Thompson and Budike teach energy control and distribution method and system, wherein energy is distributed over extended geographical area. Thompson discloses use of a wireless communication means for monitoring information related to energy generation (column 2, lines 27-42). Thompson also teaches that maintenance has to be performed on an energy generator (column 1, lines 47).

Budike was applied to show that said wireless communication means can include the Internet, and that said wireless Internet communication means can be utilized for transmitting energy related information including billing and payment data for electricity supplied (column 7, lines 53-58).

The motivation to combine the references to include use of the Internet would be the advantage of employing the larges existing network structure to implement said

monitoring from any remote geographic location without incurring expenses for building a dedicated network. The motivation to combine the references to include the use of said wireless communication means for transmitting billing and payment information for electricity supplied would be to collect funds for the business to operate. And the motivation to modify references to include that said billing and payment information includes maintenance and operating service fee for performing maintenance on said energy generator would be to provide the business with funds to maintain said generators in proper operating condition.

In response to the applicant's argument that the prior art fails to disclose an Internet virtual institution that supports the transactions that bill and electricity supply service, it is noted that Sharma teaches said feature. Specifically, Sharma teaches integrated system for electronic utility bill presentment and payment over the Internet, which supports financial transactions between service providers, consumers, banks, other financial institutions. Said system supports said transactions through a web portal, web site or other interface or virtual space so that consumers have the choice of paying bills in virtual space or at whatever site they desire [0012]; [0061].

Conclusion

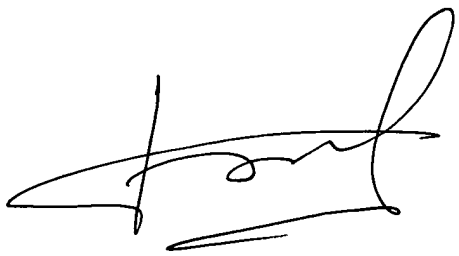
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igor Borissov
Patent Examiner
Art Unit 3639



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